THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.26749 OF 2005

DATED:15.12.2005

Between:

I. Trilingeswar Reddy

…Petitioner

And

The District Collector (Panchayat Wing), Kurnool

and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.26749 OF 2005

ORDER:

The petitioner is Sarpanch of Ayyaluru Gram Panchayat in Nandyal Mandal, Kurnool District. He was issued show cause notice dt.1.8.2005 to show cause as to why he should not be suspended for alleged misappropriation of funds of the Gram Panchayat to a tune of Rs.4,81,420/-. It appears, the petitioner could not submit explanation. Therefore, first respondent by impugned order dt.5.10.2005 purporting to be issued under sub-section (6) of Section 249 of the A.P.Panchayat Raj Act, 1994 suspended the petitioner and directed the Upa-Sarpanch to be in-charge of the post of the Sarpanch. This order is assailed in the Writ Petition.

Learned counsel for the petitioner strenuously contends that Section 249(6) of the

Act enables the District Collector to place the Sarpanch under suspension for a period of three months and therefore, the impugned order, which does not specify the period of suspension is unsustainable. Secondly, he would urge that the allegation of misappropriation of funds is without any basis and petitioner has executed number of works with the money of the Gram Panchayat.

Insofar as the second contention is concerned, in the absence of any explanation filed by the petitioner it could not have been possible for the District Collector to appreciate the contention whether or not the petitioner has completed the works for which the funds were drawn. Insofar as the first contention is concerned, it is no doubt true under Section 249(6) of the Act, a Sarpanch can be suspended for a period of three months by the District Collector when such Sarpanch omitted or refused to carry out the orders of the Government or abused his possession or powers vested in him. Merely because an order of suspension does not specify the period, the order is not rendered illegal. As the power is exercised admittedly under Section 249(6) of the Act, it goes without saying that the impugned order operates only for a period of three months i.e., upto 4.1.2006. If the impugned order of suspension is not extended in accordance with second proviso to sub-section (6) of Section 249 of the Act, it shall be open to the petitioner to seek reinstatement to the office of the Sarpanch. The Writ Petition is devoid of merit.

The Writ Petition subject to above observations is accordingly dismissed.

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(V.V.S.RAO, J)

15.12.2005

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